

the sequences. Upon further investigation, Applicants' Attorney was informed by Dr. Lin, a coinventor, that there are errors in the sequences published in the Lin *et al.* paper. In response to the Notice to File Missing Parts of Application, and Notice to Comply with Sequence Rules 37 C.F.R. §§1.821-1.825, Applicants are filing a Sequence Listing which includes the nucleotide and amino acid sequences of TGF- $\beta$  type III receptor as disclosed in the subject application and the corrected nucleotide and amino acid sequences of TGF- $\beta$  type II receptor. In addition, Applicants are filing a copy of the Declaration by Herbert Y. Lin Pursuant to 37 C.F.R. § 132 (the Declaration) which was filed in prior Application No. 08/446,939, and in which Dr. Lin states that errors were discovered in the nucleotide and amino acid sequences as filed in the subject application (i.e., Figures 2 and 3; SEQ ID Nos: 7 and 8, respectively) and published in the Lin *et al.* paper. As stated by Dr. Lin in the Declaration, the correct nucleotide and amino acid sequences of TGF- $\beta$  type II receptor appear in his Ph.D. thesis submitted to Massachusetts Institute of Technology (MIT) in 1993. As further stated by Dr. Lin in the Declaration, the errors were sequencing errors which were made without deceptive intent.

In order to assist the Examiner, Applicants are also filing a copy of Figure 2 (Exhibit A) and Figure 3 (Exhibit B) in which the corrections appear in green and red. The corrections which appear in green indicate the differences between the originally filed figures and the corresponding sequence which appears in the Lin *et al.* paper. The corrections which appear in red indicate the differences between the originally filed figures and the corresponding sequence which appears in Dr. Lin's Ph.D. thesis.

In addition, in prior Application No. 08/446,939, the Examiner required a declaration (1) averring that the 3FF clone described in the specification is the same as the re-sequenced H2-3FF clone to which the Declaration is directed and (2) satisfactorily explaining why new SEQ ID NO: 8 is the only translation which can reasonably be predicted from the 3FF cDNA sequence in order to address the revision of the N-terminal amino acid sequence and the inconsistent evidence concerning the predicted translation of the H2-3FF sequence. Applicants are filing concurrently herewith a copy of the Second Declaration of Herbert Y. Lin Under 37 C.F.R. §

1.132 which was filed in prior Application No. 08/446,939, wherein Dr. Lin states that the 3FF clone described in the referenced application is the same as the re-sequenced H2-3FF clone referred to in the Declaration and provides an explanation as to why new SEQ ID NO: 8 is the only translation which can reasonably be predicted from the 3FF cDNA sequence.

Deposit of plasmid 3FF (also referred to as H2-3FF) with the American Type Culture Collection

A Notification of Deposit, which indicates that a viable plasmid designated 3FF (also referred to as H2-3FF) was deposited with the American Type Culture Collection (ATCC) on November 12, 1997 and was assigned Accession Number ATCC 209455, is submitted herewith as Exhibit C. As required by 37 C.F.R. § 1.809(d), the specification has been amended to recite (a) the accession number for the deposit; (b) the date of the deposit; and (c) the name and address of the depository.

In addition, the undersigned Attorney hereby states that:

- (1) Plasmid 3FF was deposited in accordance with the provisions of the Budapest Treaty at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA, 20110-2209, on November 12, 1997, and was assigned Accession Number ATCC 209455.
- (2) In accordance with 37 C.F.R. § 1.808(a)(2), and except as permitted by 37 C.F.R. § 1.808(b), all restrictions upon the availability to the public of the deposited biological material will be irrevocably removed upon grant of a patent on this application, U.S. Application No. 09/183,543.

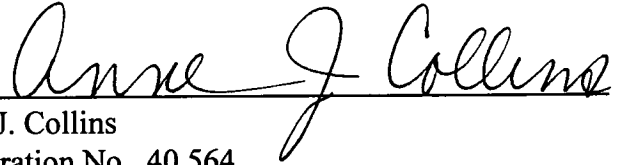
CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

  
Anne J. Collins

Registration No. 40,564

Telephone (781) 861-6240

Facsimile (781) 861-9540

Lexington, Massachusetts 02421-4799

Date:

*December 10, 1998*